

## United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/600,379	06/20/2003	Steve B. Taylor	2236.001	7549	
7590 01/06/2006		EXAMINER			
Ray R. Regan, Esq.			MACARTHUR, VICTOR L		
Law Office of	Ray R. Regan, P.A.				
P.O. Box 1442		ART UNIT	PAPER NUMBER		
Corrales, NM 87048			3679		

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.	Applicant(s)		
10/600,379	TAYLOR, STEVE B.		
Examiner	Art Unit	9	
Victor MacArthur	3679		

Advisory Action	10/600,379	TAYLOR, STEVE B.			
Before the Filing of an Appeal Brief	Examiner	Art Unit			
	Victor MacArthur	3679			
The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence add	ress		
THE REPLY FILED 16 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.					
<ol> <li>The reply was filed after a final rejection, but prior to or of this application, applicant must timely file one of the follo places the application in condition for allowance; (2) a No. (3) a Request for Continued Examination (RCE) in complete following time periods:</li> </ol>	wing replies: (1) an amendment, a otice of Appeal (with appeal fee) in liance with 37 CFR 1.114. The rep	affidavit, or other evide compliance with 37 C	ence, which CFR 41.31; or		
<ul> <li>a)  The period for reply expires 3 months from the mailing date of</li> <li>b)  The period for reply expires on: (1) the mailing date of this Adviewent, however, will the statutory period for reply expire later the Examiner Note: If box 1 is checked, check either box (a) or (b).</li> </ul>	isory Action, or (2) the date set forth in th an SIX MONTHS from the mailing date o	f the final rejection.			
MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f)	).				
Extensions of time may be obtained under 37 CFR 1.136(a). The date on been filed is the date for purposes of determining the period of extension a CFR 1.17(a) is calculated from: (1) the expiration date of the shortened states above, if checked. Any reply received by the Office later than three months earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL	nd the corresponding amount of the fee. atutory period for reply originally set in the	The appropriate extension final Office action; or (2)	n fee under 37 as set forth in (b)		
2. The Notice of Appeal was filed on 16 December 2005. A of the date of filing the Notice of Appeal (37 CFR 41.37(a appeal. Since a Notice of Appeal has been filed, any replementation. AMENDMENTS	i)), or any extension thereof (37 CF	R 41.37(e)), to avoid	dismissal of the		
3. The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brie	f, will <u>not</u> be entered t	pecause		
(a) They raise new issues that would require further co		TE below);			
<ul> <li>(b) ☐ They raise the issue of new matter (see NOTE belo</li> <li>(c) ☐ They are not deemed to place the application in bet</li> </ul>			Ab - 1		
appeal; and/or	tter form for appear by materially for	educing or simplifying	the issues for		
(d) They present additional claims without canceling a NOTE: (See 37 CFR 1.116 and 41.33(a)).		ejected claims.			
4. The amendments are not in compliance with 37 CFR 1.1		ompliant Amendment	(PTOL-324).		
5. Applicant's reply has overcome the following rejection(s)	):				
6. Newly proposed or amended claim(s) would be a the non-allowable claim(s).					
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows: Claim(s) allowed:	☐ will not be entered, or b) ☒ wvided below or appended.	vill be entered and an	explanation of		
Claim(s) objected to: Claim(s) rejected: <u>1-22</u> .					
Claim(s) withdrawn from consideration:					
AFFIDAVIT OR OTHER EVIDENCE					
8. The affidavit or other evidence filed after a final action, be because applicant failed to provide a showing of good an and was not earlier presented. See 37 CFR 1.116(e).	ut before or on the date of filing a to detect the detection of the detect	Notice of Appeal will <u>n</u> vit or other evidence i	ot be entered s necessary		
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to a showing a good and sufficient reasons why it is necessar	vercome <u>all</u> rejections under appe y and was not earlier presented.  S	al and/or appellant fai See 37 CFR 41.33(d)(	ils to provide a 1).		
10. The affidavit or other evidence is entered. An explanatio REQUEST FOR RECONSIDERATION/OTHER	n of the status of the claims after e	entry is below or attac	hed.		
11. The request for reconsideration has been considered bu	t does NOT place the application i	n condition for allowa	nce because:		
<ul> <li>12.  Note the attached Information Disclosure Statement(s).</li> <li>13.  Other: See Continuation Sheet.</li> </ul>	(PTO/SB/08 or PTO-1/49) Paper	No(s)	Iola		
	CURE	DANIEL P. STODOLA	NACO.		

SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3600

Continuation of 13. Other: The applicant argues that the MPEP does not require the text of canceled claims to be omitted since it clearly states that the text of all pending and withdrawn claims should be included. This is not persuasive since claims that are "canceled" are no longer pending; also they are not to be confused with claims that are merely "withdrawn" from consideration. See 37 CFR 1.121(c)(4)(i), which clearly states that "no claim text shall be presented for any claim in the claim listing with the status of 'canceled' or 'not entered' ".

The applicant's current amendment omitting the text of all canceled claims is correct and has been entered.